STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of AIRIANA RAE PUMFREY,
Minor.

CHARLES WHITE and JEANNA WHITE,

Petitioners-Appellees,

v

DENNIS PUMFREY,

Respondent-Appellant,

and

FAWN WHITE,

Respondent.

UNPUBLISHED
May 20, 2008

No. 281117
Cass Circuit Court
Family Division
LC No. 07-000044-NA

Before: O'Connell, P.J., and Borrello and Gleicher, JJ.

PER CURIAM.

Respondent Dennis Pumfrey appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(f). For the reasons set forth in this opinion, we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Initially, we note that petitioners did not seek to invoke the court's jurisdiction or to terminate respondent's parental rights because the child had been "abandoned" or was "without proper custody or guardianship." Rather, they sought to invoke the court's jurisdiction and to terminate respondent's parental rights because the child had a legal guardian and respondent did not support or contact the child for at least two years before the filing of the petition. MCL 712A.2(b)(5) and MCL 712A.19b(3)(f).

The trial court did not clearly err in finding that § 19b(3)(f) was established by clear and convincing evidence. *In re Archer*, 277 Mich App 71, 73; ___ NW2d ___ (2007). Petitioners were appointed the child's legal guardian in May 2004. Since that time, respondent was employed and saved enough money to buy a house, but never contributed toward the child's support. He claimed that he did not pay support because he "had no idea of how to contact"

petitioners and "had no idea where they were even located," but petitioners had resided at the same house for many years, were listed in the telephone book, and respondent had been to their house previously. The evidence clearly showed that respondent had the ability to pay support, but failed to provide regular and substantial support without good cause.

The evidence further showed that respondent only visited the child once in April 2004. Respondent's reliance on *In re ALZ*, 247 Mich App 264; 636 NW2d 284 (2001), to argue that he lacked the ability to visit because petitioners would not allow him to do so is misplaced. In *In re* ALZ, the respondent's paternity had not been established, so "he was effectively a nonparent" and did not have a legal right to visit or communicate with the child and could not seek court intervention without first establishing paternity. *Id.* at 274. In this case, petitioners advised respondent to seek a court order for visitation. In addition, respondent had apparently acknowledged paternity of Airiana and thus established his status as the legal father and could obtain visitation from the court "without further adjudication under the paternity act[.]" MCL 700.1004. See *In re SMNE*, 264 Mich App 49, 51; 689 NW2d 235 (2004).

We note that personal visits are only one of three avenues for maintaining the parent-child relationship and nothing prevented respondent from maintaining that relationship by written communication. Respondent never sent cards or letters to his daughter, and his claim that he did not know petitioners' address is unavailing considering that their address was easily ascertainable. The evidence clearly showed that respondent had the ability to visit, contact, or communicate with his daughter, but regularly and substantially failed to do so without good cause.

Further, the trial court did not clearly err in its findings regarding the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Peter D. O'Connell
/s/ Stephen L. Borrello